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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,987	04/12/2004	Bu Qin Ruan	T1000-0001-P001	1568

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Bergman Kuta LLP
Michael Bergman
P.O. Box 400167
Cambridge, MA 02144

EXAMINER
LANGDON, EVAN H

ART UNIT	PAPER NUMBER
3654	

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/821,987

Applicant(s)

RUAN, BU QIN

Examiner

Evan H. Langdon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5- are rejected under 35 U.S.C. 102(b) as being anticipated by Rutzki (US 4,542,883).

Rutzki discloses a binding machine comprising:

a reel (Fig. 2), the reel being adapted to receive a band 2 thereon;

a handle 42, the handle being coupled to the reel the handle 42 being adapted to receive an applied torque and to transmit the applied torque to the reel whereby the reel rotates to receive the band (col. 8 line 40 to col. 9 line7); and

a torque indicator 55, the torque indicator being adapted to indicate a specific magnitude of the applied torque by a deflection of a portion of the handle, the deflection increasing in relation to an increase in the magnitude (col. 9 lines 24-33).

In regards to claim 6, Rutzki discloses the torque indicator 55 comprises:

a handle extension 47a, 48a, the handle extension being pivotally coupled to the handle;

and

a spring 86, the spring having a first end coupled to the handle and a second end coupled to the handle extension whereby a deflection of the spring indicates a magnitude of the applied torque.

In regards to claim 7, Rutzki discloses the handle comprises a first side member 47 and a second side member 48 and wherein the handle extension includes a third side member 47a and a fourth side member 48a, the first and third side members having respective first and second apertures therein, the first and second apertures being disposed about a first end of a pin roll 74, the second and fourth side members having respective third and fourth apertures therein, the third and fourth apertures being disposed about a second end of the pin roll such that the third and fourth side members are adapted to pivot with respect to the first and second side members about the pin roll (Fig. 5).

In regards to claim 9, Rutzki discloses a body member 5 having an aperture there through, the reel being supported within the aperture; a ratchet 38, 39, the ratchet being coupled to the reel; a pawl 23, the pawl being coupled to the body member, the pawl being adapted to control a motion of the ratchet.

In regards to claim 10, Rutzki discloses a further band, the further band 13 being coupled to the body member, whereby the body member may be disposed in tension between the band and the further band by application of the applied torque.

In regards to claim 11, Rutzki discloses the spring 86 deflect at an angle.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12- are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutzki in view of Hess et al. (US 6,769,155).

In regards to claims 12 and 22, Rutzki discloses binding machine comprising:

a body portion 5;

a ratchet device 23,38,39 coupled to the body portion;

a first handle portion including first 47 and second 48 side members, the first and second side members be disposed in substantially parallel spaced relation with respect to one another, the first handle portion being coupled to the ratchet device for rotational activation of the ratchet device;

a second handle portion including third 47a and fourth 48a side members, the third and fourth side members being disposed in substantially parallel spaced relation with respect to one another, the second handle portion being pivotally coupled to the first handle portion at respective mutually proximate ends thereof;

a spring member 55, 86, the spring member disposed between the first and second side members, the helical spring being adapted to provide a monotonically increasing force in opposition to a pivotal displacement of the first second handle portion with respect to the second handle portion.

Hess teaches a joint connection (Fig. 4) having a spring (5, 6) around the joint 4 and either end of the spring connected to cross bars 12.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the joint connection the handle of Rutzki to include a spring around the joint

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and either end of the spring connected to cross bars as suggested by Hess, to provide a more consistent resistance force.

In regards to claims 13 and, Rutzki as modified by Hess teaches the helical spring on both sides of the reel body would in opposite directions (Fig. 3, Hess), where a first end and second ends of the helical springs extend in opposite directions fixing to the bodies about the pivot joint.

In regards to claims 16 and 17, Rutzki as modified by Hess teaches the helical spring is disposed coaxially about the shaft and exerts a substantially negligible torsional force on the shaft.

In regards to claims 18 and 19, Rutzki as modified by Hess teaches the helical spring's first end is connected to cross member 7 (Fig. 1B, Hess).

Allowable Subject Matter

Claims 20 and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

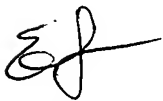
Applicant's arguments with respect to claims 5-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evan H. Langdon whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ehl



EMMANUEL MARCELO
PRIMARY EXAMINER